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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,228	05/16/2001	Craig L. Linden		6674

7590

04/01/2002

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EXAMINER

WILLIAMS, JAMILA O

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 04/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,228

Applicant(s)

LINDEN, CRAIG L.

Examiner

Jamila Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. For example, the transducer in fig 1 must be clearly shown or the feature(s) canceled from the claim(s). In addition, fig 4 reference characters 2-3 appear to be pointing to the same structure. The drawings are not clearly representing the transducer or the physical display. Similarly, in fig 5 reference characters 2,3,25 appear to be pointing to the same structure, instead of clearly identifying each element (by use of a little box to represent the transducer, for example). It is also unclear what reference character 12 is attempting to point out. Applicant is advised to review **all** of the drawings for errors of this nature. No new matter should be entered. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the

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improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The disclosure is objected to because of the following informalities: On page 12, line 11 of the specification, reference character 21 is being used to denote a "transceiver", however throughout the remainder of the specification 21 denotes "communications". The applicant is advised to review the specification for other error of this nature.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 15-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. In claims 7-8, it is unclear from the specification what is meant by the phrase "various interactive texture means.." and "one or more subsurface structure means...". The specification does not appear to provide support for these claimed limitations. In claims 15-16 it is unclear what is intended by the phrase "means to deliver or remove fluids to or from a being".

6. With regards to the "and/or" language in claims 7-8, the specification does not provide support for all both conditions claimed.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-22 and 24 are rejected as being indefinite in that they fail to point out what is included or excluded by the claim language. The use of Figure numbers in the claims is improper. In addition, if reference characters, from the specification, are used they must be enclosed in parenthesis.

9. Claims 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

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10. Regarding claims 1-6, 9-10, 17-18, 24-25 the phrase "for example" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).
 11. Regarding claims 7-8, 11-16, 19-22 the phrase "whereby" renders the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.
 12. Claim 2 recites the limitation "the body" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
 13. Claim 2 recites the limitations "the apparatus" and "the bear" in lines 4-5 of the claim. There is insufficient antecedent basis for these limitations in the claim.
 14. Claim 5 recites the limitation "said replacement covering" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
 15. Claim 7 recites the limitation "the surface" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
- The claims are replete with errors of this nature. The examples listed above are intended for the applicant to make corrections where appropriate but not limited to those listed.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-6,9-14 and 17-25 are rejected under 35 U.S.C. 102(b) as being anticipated by '602 to Kikinis. (As best understood) Kikinis discloses the method and apparatus of a powered interactive display comprising an energy source means (power supply 33), a transducing means (column 5, lines 56-67 of the specification), physical display means (doll 13), a covering or enclosure means (column 4, lines 39-44 of the specification), a structure means generally as a distinct structure from the physical display means (column 3 lines 52-65 of the specification), an input means (fig 2), a local or remote control means (fig 2), means to deliver electrical energy to a being (fig 2), further comprising a transceiving communication means (PC 15), a recording and playback means (column 8, lines 52-57 of the specification). Kikinis also discloses an additional or hybrid display means (column 3, lines 66-67 and column 4 lines 1-4 of the specification).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over '602 to Kikinis in view of '880 to Lander. (As best understood) Kikinis discloses all of the elements of the claims but for having various interactive

texture means, one or more subsurface structure means, means to deliver or remove fluids to or from a being. Lander provides a teaching for tactile feedback controlled by various medium, including various interactive texture means (column 1, lines 49-57 of the specification). Lander further teaches a means to deliver or remove fluids to or from a being (column 2, lines 6-10 of the specification). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lander with the interactive system of Kikinis in order to provide a more realistic affect for the user.

Conclusion


20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila Williams whose telephone number is 703-305-3312. The examiner can normally be reached on Monday-Friday 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

March 25, 2002



DERRIS H. BANKS
PRIMARY EXAMINER